

MORAN EXPLORATION, INC.

IBLA 82-569

Decided April 30, 1982

Appeal from decisions of New Mexico State Office, Bureau of Land Management, rejecting acquired lands oil and gas lease offers, NM-A 47210 (TX), NM-A 47274 (TX), and NM-A 47292 (TX).

Set aside and remanded.

1. Oil and Gas Leases: Acquired Lands Leases--Oil and Gas Leases: Description of Land

Where 43 CFR 3101.2-3(b)(3) allows the use of the acquisition number assigned by the acquiring agency to identify the tract sought to be leased, as shown on a map accompanying the offer, an acquired lands oil and gas lease offer with such tract description and accompanied by such map is acceptable.

APPEARANCES: Don M. Fedric, Esq., Roswell, New Mexico, for appellant.

OPINION BY ADMINISTRATIVE JUDGE HENRIQUES

Moran Exploration, Inc., appeals the decisions of the New Mexico State Office, Bureau of Land Management (BLM), dated February 2, 1982, which rejected acquired lands oil and gas lease offers NM-A 47210 (TX), NM-A 47274 (TX), and NM-A 47292 (TX), for land in the Fort Hood Military Reservation, Texas. Each decision stated that the lease offer was in noncompliance with 43 CFR 3101.2-3(b)(2), which requires submission of a map showing the location of the desired lands in relation to the administrative unit or project of which they are a part.

Each offer was accompanied by a project ownership map prepared by the Corps of Engineers, showing the individual tracts by tract number and acreage, and each offer specifically listed the individual tracts sought as shown on the accompanying map.

Appellant contends that BLM did not consider the entire regulation, 43 CFR 3101.2-3(b), as subpart (b)(3) provides for a method of describing the tracts sought by a different method from that set forth in subpart (b)(2), or in subpart (b)(1), in that the offeror is allowed to use the identical tract number assigned by the acquiring agency to serve as the description in the offer, but in such cases, the offer must be accompanied by a map showing the

location of the tracts sought, as in subpart (b)(2). Appellant asserts that each of its three offers was in conformity with 43 CFR 3101.2-3(b)(3). We agree.

The decision rejecting the lease offers stated that the offers were not in compliance with 43 CFR 3101.2-3(b)(2) because that section requires that the map accompanying the lease offers be clearly marked showing the location of the desired lands, and "there appears no delineation on the maps indicating the desired lands."

Subsection (b)(3) of 43 CFR 3101.2-3 requires that offers describing lands by acquisition tract number "must be accompanied by the map required by paragraph (b)(2) of this section." Therefore, while providing another method of describing lands in an offer, subsection (b)(3) incorporates the map requirement of subsection (b)(2).

BLM seems to be requiring that the offeror outline on the map the specific tracts desired. Although, in some circumstances this might be necessary, it is not in this case. The maps provided by appellant with its offers clearly show the boundaries of each tract and within those boundaries is displayed the acquisition tract number. Any further requirement of delineation would serve no useful purpose.

[1] The responsibility of furnishing a proper and adequate description of lands in an oil and gas lease offer is upon the offeror. Where the offer lists several tracts by the acquisition tract number assigned by the acquiring agency and accompanies the offer by a plat prepared by the acquiring agency to show the location of each tract, we hold that the offeror has complied with the regulatory requirement for description of lands in an acquired lands oil and gas lease offer, as they are set forth in 43 CFR 3101.2-3(b)(3). A description of land applied for in an oil and gas lease offer for acquired lands is proper so long as it meets the requirements of the applicable regulations. Sam P. Jones, 45 IBLA 208 (1980); cf. Walter R. Wilson, Jr., 55 IBLA 96 (1981).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decisions appealed from are set aside and the cases remanded to the BLM State Office for further appropriate action consistent with this opinion.

Douglas E. Henriques
Administrative Judge

We concur:

Bruce R. Harris
Administrative Judge

Edward W. Stuebing
Administrative Judge

